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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

RAFAEL DAVID MIRANDA,

Plaintiff and Appellant,

v.

ANDRES CONTRERAS,

Defendant and Respondent.

B282017

(Los Angeles County
Super. Ct. No. BC609929)

APPEAL from a judgment of the Superior Court of Los Angeles County, Elizabeth R. Feffer, Judge. Affirmed.

Rafael David Miranda, in pro. per., for Plaintiff and Appellant.

Robert Alan Fine for Defendant and Respondent.

* * * * *

Plaintiff Rafael David Miranda appeals from a judgment of dismissal, arguing the court erroneously dismissed his case after finding he was a vexatious litigant subject to a pre-filing order under Code of Civil Procedure section 391.7, reasoning this action was commenced before he was declared a vexatious litigant. He also contends he filed valid proofs of service, and that dismissal on this basis was also improper. We affirm, finding the appellate record is inadequate to facilitate review.

DISCUSSION

This is an appeal brought by a plaintiff who was declared a vexatious litigant on June 10, 2016, in another action. Plaintiff purports to appeal from an order of dismissal entered on March 30, 2017. The minute order of proceedings on March 30, 2017, reflects the matter was on calendar that date for the hearing of plaintiff's motion for reconsideration of an order made November 30, 2016, dismissing the action, and for the hearing of plaintiff's motion to tax costs.

Plaintiff makes no argument that the motion for reconsideration was improperly denied. Instead, he attacks the order of dismissal entered on November 30, 2016, after the hearing of an order to show cause why the action should not be dismissed for violation of two previous court orders, and for not obtaining a pre-filing certificate before filing his action. The two previous court orders were made on August 1, 2016, and September 9, 2016, striking proof of service pursuant to Code of Civil Procedure sections 473 and 473.5. The record does not include the order to show cause or the minute orders or reporter's transcripts of the August 1, 2016 and September 9, 2016 hearings.

The record on appeal must include all documents necessary for proper consideration of the issues presented by the appeal. (Cal. Rules of Court, rules 8.122(b)(3), 8.124(b)(1)(B).) It was plaintiff's duty to "present a complete record for appellate review" (*Stasz v. Eisenberg* (2010) 190 Cal.App.4th 1032, 1039; see also *Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 186-187.) "[I]f the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed." (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1051, fn. 9.)

Moreover, while plaintiff's appellate briefs include some citations to "AA,"¹ the points made in the briefs do not correspond with any document in the clerk's transcript filed with this court. Consequently, there are no meaningful citations to the record in plaintiff's appellate briefs. (Cal. Rules of Court, rule 8.204(a)(1)(C); *Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856 [failure to support arguments with citations to the record waives any claim of error].)

A judgment is presumed to be correct, and it is the appellant's burden to establish prejudice. (*State Farm Fire & Casualty Co. v. Pietak* (2001) 90 Cal.App.4th 600, 610.) It was plaintiff's duty to demonstrate prejudicial error, and he has failed

¹ The acronym AA typically refers to an appellant's appendix, but here, plaintiff filed a clerk's transcript with this court.

to do so here. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.)²

DISPOSITION

The judgment is affirmed. Defendant is awarded his costs on appeal.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

WILEY, J.

² Defendant moved to dismiss this action under the disentitlement doctrine, to augment the record to include a “fraudulently filed” stipulation to use a certified shorthand reporter, and for judicial notice of other actions filed by plaintiff in the superior court. Given the basis for our decision, those motions are denied.